

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-12253MLW

STEVEN MCDERMOTT and
STACEY MCDERMOTT,
Plaintiffs,

v.

FEDEX GROUND PACKAGE SYSTEMS, INC.,
T.S. PRUITT, ALLEGIANCE HEALTHCARE
INC., D. PONCE, E.W. WYLIE
CORPORATION, D.W. SMITH,
ARSENBERGER TRUCKING, INC.,
J.T. FOSBRINK, RYDER TRUCK RENTAL,
LORRAINE ODZANA as ADMINISTRATRIX
OF THE ESTATE OF JAMES J. ODZANA,
SHORELINE TRANSPORTATION, INC.
JACYLYN PALETTA as ADMINISTRATRIX
OF THE ESTATE OF MARIO J. CASTRO,
Defendants.

ALLEGIANCE HEALTH CARE INC.'S MOTION
FOR LEAVE TO FILE A REPLY BRIEF IN RESPONSE TO
FED EX AND PRUITT'S OPPOSITION TO ALLEGIANCE HEALTH CARE INC.'S
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

Pursuant to Local Rule 7.1(B)(3), Allegiance Health Care, Inc. ("Allegiance") respectfully requests leave of this Court to file a reply brief to respond to the opposition filed by the Defendants, Fed Ex Ground Package System, Inc. ("Fed Ex") and Tim Pruitt ("Pruitt"), to Allegiance's Motion to Dismiss for lack of personal jurisdiction. Allegiance seeks leave to reply to new arguments (including a statute, M.G.L. ch. 223, § 38, that Allegiance inadvertently overlooked in its motion) set forth by Fed Ex and Pruitt that were neither addressed nor anticipated in Allegiance's moving papers. Allegiance

submits that a reply brief will assist the court and the parties by allowing full and fair consideration of the issue presented.

WHEREFORE, Allegiance respectfully moves that this Honorable Court enter an order granting it leave to file a reply brief in response to Fed Ex and Pruitt's Opposition to Allegiance's Motion to Dismiss.

Respectfully submitted,
Defendant
CARDINAL HEALTH 200, INC. F/K/A
ALLEGIANCE HEALTH CARE, INC.
By its attorneys,

/s/ Michael D. Riseberg

John F.X. Lawler, BBO #546910

Michael D. Riseberg, BBO #567771

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Dated: July 13, 2007

CERTIFICATE OF RULE 7.1 CONFERENCE AND OF SERVICE

The undersigned hereby certifies that prior to filing the above motion he conferred with Fed Ex and Pruitt's counsel concerning its subject matter in a good faith attempt to resolve or narrow the issues presented. The undersigned further certifies that on **July 11, 2007** this document is being filed through the ECF system and, accordingly, is being sent electronically to the registered participants as identified on the Notice of Electronic Filing and a paper copy will be sent to any party indicated as a non registered participant.

/s/ Michael D. Riseberg

Michael D. Riseberg, BBO #567771